THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5971 of 2007

26.3.2007

Between:

K.Padmavathi, W/o.Sudhakar
And others

… Petitioners

AND

The District Collector, Chittoor District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5971 of 2007

ORDER:

The petitioners are residents of Srikalahasthi in Chittoor District. They allege that the land admeasuring Acs.5.00 comprised in survey No.411 was allotted as house sites to 151 eligible persons in 1997. The petitioners formed into an association called 'Srikalahasthi Constituency Nayee Brahmin Yuvajana Seva Sangam' and claimed house site pattas. The petitioners were also included in the list of beneficiaries to whom house site pattas were allotted. They allege that eight plots were earmarked as community hall, temple, school, park and for erection of electricity polls. It is their case that now the fourth respondent tried to interfere with the allotments already made and directed the Mandal Surveryor to change the Field Measurement Book (FMB). It is their allegation that the fourth respondent is trying to allot the plots to ineligible persons treating them as weaker sections. They therefore filed the instant writ petition seeking a writ of Mandamus declaring the action of the respondents in trying to allot the house site pattas near RCP Gurukulam School, Srikalahasthi, to ineligible persons, as illegal and arbitrary. They also seek a consequential direction to restrain the fourth respondent from interfering in allotment of house sites.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (Assignment). As rightly submitted by the learned Assistant Government Pleader the writ petition is not maintainable for two reasons. First, the persons who are identified for being allotted house sites are not made parties to the writ petition. In the absence of those persons, who are likely to be affected by any order that may be passed in this writ petition, cannot be entertained. Secondly the writ petition is filed on a mere apprehension that the

house sites might be allotted to ineligible persons. A reading of paragraph 5 of the affidavit accompanying the writ petition would show that the land has not yet been allotted. The petitioners have not placed any material to show that eight unallotted plots in the layout were earmarked for community purposes. Further as rightly pointed out by the learned Assistant Government Pleader even if such allotments are made the petitioners can avail the remedy of appeal before the jurisdictional Revenue Divisional Officer.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

March 26, 2007.
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